

## MINUTES

### COMMISSION MEETING

November 19, 2004

The New Hampshire Public Utilities Commission Meeting began at 3:30 P.M. on Friday, November 19, 2004. Chairman Thomas B. Getz, and Commissioner Graham J. Morrison and Commissioner Michael D. Harrington were present. Also present were the Division Heads or their designees. The following matters were discussed.

1. Approval of the November 5, 2004 Commission Meeting Minutes

A motion was made by Commissioner Morrison, seconded by Commissioner Harrington and unanimously approved to adopt the minutes of the November 5, 2004 Commission Meeting.

2. DRM 04-045; Rulemaking for Prohibition of Disconnection of Local Service for Non-Payment of Toll Service (Preliminary Objection Response)

Chairman Getz announced that the preliminary objection response was voted on November 15, 2004 and forwarded to JLCAR.

3. DE 02-087; Public Service Company of New Hampshire (PSNH) (Integrated Least Cost Transmission Plan for 2002)

Chairman Getz announced the issuance of Order No. 24,398 (November 12, 2004) which approved the filing by PSNH.

4. DE 04-198; State-Wide Low Income Electric Assistance Program (2004-2005 Program Budgets)

Chairman Getz announced the issuance of Order No. 24,399 (November 12, 2004) which approved the program budgets.

5. DG 04-156; Concord Steam Corporation (Petition for an Increase in Temporary and Permanent Rates)

Chairman Getz announced the issuance of Order No. 24,400 (November 16, 2004) which scheduled a Prehearing Conference, a Temporary Rate Hearing and Suspended Proposed Tariff.

6. DW 04-048; City of Nashua  
Petition for the Determination of the Fair Market Value of  
Pennichuck Water Works, Pennichuck East Utilities and  
Pittsfield Aqueduct Company  
(Rescheduling of Prehearing Conference)
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A motion was made by Commissioner Morrison, seconded by Commissioner Harrington and unanimously approved to ratify the November 8, 2004 secretarial letter stating that the Pre-Hearing Conference previously scheduled for November 10, 2004 in the above referenced matter has been rescheduled to December 9, 2004 at 9:00 a.m.

7. DE 04-118; Public Service Company of New Hampshire  
(Petition for Determination of Rights and for Refund of Credit  
Due Under Special Contract - Procedural Schedule)
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A motion was made by Commissioner Morrison, seconded by Commissioner Harrington and unanimously approved to ratify the November 9, 2004 secretarial letter which approved the following procedural schedule:

Stipulation as to facts	November 18, 2004
Simultaneous briefs (15 page limit)	December 16, 2004
Reply briefs (3 page limit)	January 6, 2005
Oral Arguments	At request of Commission

8. DW 04-132; Hampstead Area Water Company  
(Petition for Authority to Issue Long Term Debt)
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A motion was made by Commissioner Morrison, seconded by Commissioner Harrington and unanimously approved to ratify the November 10, 2004 secretarial letter denying a request for a hearing.

9. DT 04-194; Verizon New Hampshire  
(Special Contract with C&S Wholesale)
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A motion was made by Commissioner Morrison, seconded by Commissioner Harrington and unanimously approved to ratify the November 15, 2004 secretarial letter stating that the Commission will not issue an order suspending, rejecting, or approving the proposed special contract. Accordingly, pursuant to RSA 378:18-b, II (b) and New Hampshire Administrative Rules, Puc 1606.03, the proposed contract between Verizon and C&S Wholesale was effective as of November 18, 2004.

10. DW 04-131; Community Water & Wastewater Services,  
LP and Holiday Acres Joint Venture Trust  
(Joint Petition to Discontinue Business as a Public Utility and for  
Exemption from Regulation)
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A motion was made by Commissioner Morrison, seconded by Commissioner Harrington and unanimously approved to ratify the November 16, 2004 secretarial letter stating that the Commission will defer action on the Joint Petitioners' request to withdraw its petition, pending a response from the Joint Petitioners to Staff's September 23, 2004 letter. Accordingly, the Joint Petitioners should file their response no later than November 30, 2004.

11. DT 04-195; Verizon New Hampshire  
(Special Contract with Southern New Hampshire Medical Center)
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A motion was made by Commissioner Morrison, seconded by Commissioner Harrington and unanimously approved to ratify the November 18, 2004 secretarial letter stating that pursuant to RSA 378:18-b, II(b), the Commission has extended the effective date of the Special Contract by thirty days to December 17, 2004.

12. DW 04-001; Atkinson Woods Water, LLC  
(Petition for Financing Approval and Permanent Rates)
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A motion was made by Commissioner Morrison, seconded by Commissioner Harrington and unanimously approved to issue an Order Approving Financing and Permanent Rates.

13. DG 04-040; EnergyNorth Natural Gas, Inc. d/b/a  
KeySpan Energy Delivery New England  
(Summer 2004 Cost of Gas)
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A motion was made by Commissioner Morrison, seconded by Commissioner Harrington and unanimously approved to issue an Order Approving Motions for Protective Order and Confidential Treatment.

14. DW 04-144; Bedford Waste Services Corporation  
(Request for Increase in Permanent Rates)
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A motion was made by Commissioner Morrison, seconded by Commissioner Harrington and unanimously approved to issue an Order Suspending Proposed Tariff and Establishing Prehearing Conference.

15. DW 04-145; Bodwell Waste Services Corporation  
(Request for Increase in Permanent Rates)
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A motion was made by Commissioner Morrison, seconded by Commissioner Harrington and unanimously approved to issue an Order Suspending Proposed Tariff and Establishing a Prehearing Conference.

16. DW 04-184; Hampstead Area Water Company, Inc.  
(Order of Notice on Petition to Acquire Assets and Incur Debt  
for Cricket Hill/Maplevale Farms and Woods and Residences  
at Maplevale)

DW 04-196; Hampstead Area Water Company, Inc.  
(Order of Notice Scheduling Prehearing Conference and Order  
Suspending the taking effect of Proposed Permanent Rates for  
Camelot Court, Cornerstone Estates, Lamplighter Estates, and  
Cricket Hill/Maplevale Farms and Woods and Residences at  
Maplevale)

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A motion was made by Commissioner Morrison, seconded by Commissioner Harrington and unanimously approved to issue an Order Scheduling a Prehearing Conference for January 12, 2005 at 10:00 am.

17. DW 04-185; Lakes Region Water Company, Inc.  
(Petition for Authority to Issue Long-Term Debt)
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A motion was made by Commissioner Morrison, seconded by Commissioner Harrington and unanimously approved to issue an Order Nisi Approving Long-Term Debt.

18. DRM 04-140; Puc 1100, Rules for Steam Utilities  
(Adoption of Final Proposal)
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Chairman Getz stated the Commission commenced rulemaking on August 19, 2004, and voted to readopt the rules with the deletion of Puc 1107.0, Disposition of Proceeds from Sales of Securities.

A public hearing was held on October 18, 2004 and changes were made to the initial proposal based on the testimony at the public hearing and subsequent JLCAR staff comments.

Chairman Getz moved that the resulting final proposal be adopted and filed with JLCAR, Commissioner Morrison seconded and it was unanimously approved.

19. DRM 04-141; Puc 1400, Rules for Pipeline Utilities  
(Adoption of Final Proposal)

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Chairman Getz stated the Commission commenced rulemaking on August 19, 2004 and voted to readopt the rules with no changes.

A public hearing was held on October 5, 2004 at which time there was no public testimony. Subsequently, JLCAR staff made edits to the initial proposal. Changes have been made based on JLCAR staff comments.

Chairman Getz moved that the final proposal be adopted and filed with JLCAR, Commissioner Morrison seconded and it was unanimously approved.

20. DRM 04-169; Puc 1300 (Local Telecommunications Competition)  
(Final Adoption of Interim Rule)

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Chairman Getz stated that on October 28, 2004, the Joint Legislative Committee voted to conditionally approve Proposed Interim Rule 2004-31, Puc 1300. The Committee's approval was conditional upon deletion of certain portions of the rule that would not expire in 2004.

On October 29, 2004, the Commission voted to adopt the changes required in the Committee's conditional approval.

Chairman Getz moved that the resulting interim rule be adopted, Commissioner Morrison seconded and it was unanimously approved.

21. New Business

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A. DW 04-020; Fryeburg Water Company  
(Investigation into Quality of Service)

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A motion was made by Commissioner Morrison, seconded by Commissioner Harrington and unanimously approved to issue an Order Approving Stipulation between the Staff of the New Hampshire Public Utilities Commission, Office of Consumer Advocate, Robert and Nancy Swett, Town of Conway and State of Maine Office of Public Advocate.

22. Miscellaneous Administrative Matters

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Chairman Getz announced that the next Commission meeting would be held on Friday, December 3, 2004 at 3:30 P.M.

A motion was made by Commissioner Morrison, seconded by Commissioner Harrington and unanimously approved to adjourn this meeting. The meeting, therefore, adjourned at 3:44 P.M.